IN THE U.S. PATENT AND TRADEMARK OFFICE

In re application of

Jorkki HYVONEN	Conf. 9230
Application No. 10/520,171	Group 2626
Filed January 4, 2005	Examiner M. Colucci
SEARCHING FOR SYMBOL STRING	

PRE—APPEAL BRIEF REQUEST FOR REVIEW

Assistant Commissioner for Patents   January 23, 2009
P.O. Box 1450
Alexandria, VA   22313-1450

Sir:

      Appellants request a pre-appeal brief review of the final rejection in the above-identified application. No amendments are being filed with this request

      A Notice of Appeal is filed herewith.

      The review is requested for the reasons advanced on the attached pages.

               Respectfully submitted,

               YOUNG & THOMPSON

                 /Liam McDowell/
               Liam McDowell, Reg. No. 44,231
               Customer No. 00466
               209 Madison Street, Suite 500
               Alexandria, Virginia 22314
               Telephone (703) 521-2297
               Telefax (703) 685-0573

LM/jr

<u>REASONS IN SUPPORT OF REQUEST FOR REVIEW</u>

Claims 8-11 and 14-16 are pending in the application. Claims 8, 15 and 16 are the independent claims. Claims 8 and 16 are the subject of the present request for a pre-appeal brief review.

Claims 8-11, 14 and 15 were rejected under 35 USC 112, first paragraph, as allegedly failing to comply with the written description requirement.

The position set forth in the final rejection is that a computer readable medium is not disclosed or supported within the specification of the present invention.

Claim 6 of the application as filed, which is part of the specification, recites "6. A data medium readable by computer, characterized in that a computer program is readable from the data medium for performing the method according to any one of claims 1 to 4." This claim was also originally referred to in paragraph [0007].

Clearly, a data medium readable by computer is a computer readable medium.

Accordingly, a factual error exists in that the specification as filed supports a computer readable medium.

Claims 8-11 and 14-16 were rejected under 35 USC §103(a) as being unpatentable over BALLARD et al. 5,377,281 in view of KWOK et al. US Publication No. 2002/0165873.

BALLARD discloses a method for searching for an input symbol string, such as words. The examined words are divided into

a trie structure. See paragraph [0004] of the present invention for an example of how a trie structure operates.

KWOK disclose the use of an "edit distance" to calculate the distance between words by taking into account each letter in the word (see paragraph [0062]). The edit distance of KWOK is based on an entirely different method than the trie structure. KWOK is unrelated to a trie structure.

In any event, the Official Action recognizes that BALLARD fails to teach calculating the smallest possible length difference corresponding to each distance that indicates how much the length of the remaining part of the input symbol string not examined in the distance calculation differs from the lengths remaining in the symbols strings passing through the calculation point, and calculating on the basis of each distance and corresponding length difference a reference value.

KWOK is offered for this teaching with the Official Action concluding that it would have been obvious to combine BALLARD and KWOK to render obvious this feature.

However, even if one of ordinary skill in the art having the references before him were to consider the proposed combination, the claimed invention does not result.

Claim 8 requires that the length difference calculation indicates "how much the length of the **remaining part** of the input symbol string **not examined** in the distance calculation differs

from the lengths **remaining** in the symbol strings passing through the calculation point".

The "edit distance calculation" of KWOK offered in the Official Action is not the same as the claimed length difference calculation, because these calculations are not done in the same way or to the same parts of the strings.

Rather, the claimed distance calculation is first performed (in calculation point P1 of Fig 2b, for example) to the beginning of the input symbol string "ABO" and the symbols in the trie structure "A" located before and at a calculation point ([section 0033], for example). The result of the distance calculation is: 2.

After this, a length calculation is done (section [0033]) with the 2 more characters left in the input symbol string ("RD") which have so far not been examined in the distance calculation. The length difference calculation is therefore done for these 2 characters and the 5 so far unexamined characters ("ACUS" and "OARD") of the symbol strings passing through the calculation point P1, so the length difference is: 5-2=3.

By contrast, the edit distance calculation disclosed by KWOK appears to be closer to the claimed distance calculation, and not the claimed length difference calculation. In addition, the length difference calculation is carried out for a different

part of the input symbol string than that disclosed by KWOK. Thus, KWOK does not meet the recited length difference calculation.

Moreover, due to the fundamental difference in how BALLARD and KWOK handle the data to be analyzed, one of ordinary skill in the art would not consider KWOK in combination with BALLARD.

Nevertheless, even if a person skilled in the art would consider KWOK, the skilled person would not arrive at the claimed invention because the proposed combination of references fail to disclose a method to calculate "the remaining part of the input symbol string not examined in the distance calculation in order to determine a length distance calculation.

Accordingly, a factual error exists in that the proposed combination of references does not result in the invention of claim 8.

Claim 16 recites a calculation means for calculating the smallest possible length difference that indicates how much the length of the remaining part of the input symbol string not examined in the distance calculation differs from the lengths remaining in the symbols strings passing through the calculation point. The analysis above regarding claim 8 is equally applicable claim 16.

      In view of this, it is believed that the rejections of record include factual errors and cannot be sustained and must be reversed, and such is respectfully requested.